

1 ALAN R. SMITH, ESQ.
Nevada Bar No. 1449
2 HOLLY E. ESTES, ESQ.
Nevada Bar No. 11797
3 Law Offices of Alan R. Smith
505 Ridge Street
4 Reno, Nevada 89501
Telephone (775) 786-4579
5 Facsimile (775) 786-3066
Email: mail@asmithlaw.com

ELECTRONICALLY FILED
August 18, 2014

6 Attorney for Debtors
7 ANTHONY THOMAS and WENDI
THOMAS and AT EMERALD, LLC
8

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

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12 In Re: Case No. BK-N-14-50333-BTB
Case No. BK-N-14-50331-BTB
13 ANTHONY THOMAS and
WENDI THOMAS,
14 Chapter 11 Cases
[Jointly Administered]
15 AT EMERALD, LLC,

MOTION TO WITHDRAW AS
ATTORNEY OF RECORD

17 Debtors,
18 _____ /

Hearing Date: OST Pending
Hearing Time: OST Pending

19 ALAN R. SMITH, ESQ., of the Law Offices of Alan R Smith (hereinafter “Movant”), moves
20 this Court to allow him to withdraw as attorney of record for Debtors ANTHONY THOMAS and
21 WENDI THOMAS and Debtor AT EMERALD, LLC, (hereinafter “Debtors”), in the above-
22 entitled matter pursuant to Rule 166 of the Supreme Court Rules of the State of Nevada and Nevada
23 Rules of Professional Conduct 1.16. This Motion is made and based upon the following Points and
24 Authorities, and the pleadings and papers on file in this case.

25 **POINTS AND AUTHORITIES**

26 Supreme Court Rule of Professional Conduct 1.16, made applicable by Local Rule IA 10-
27 6(b) and (e), provides that:

28 No attorney may withdraw after appearing in a case except by

1 leave of Court after notice has been served on the affected client and
2 opposing counsel.

3 Movant has appeared on behalf of Debtors in this matter and therefore brings this Motion for
4 leave to withdraw as their counsel of record. Movant's withdrawal is not expected to cause any
5 delay in these proceedings.

6 Nevada Supreme Court Rule 1.16, made applicable by Local Rule 1A 10-6, provides as
7 follows:

8 (b) Except as stated in paragraph (c), a lawyer may withdraw
from representing a client if:

9 (1) withdrawal can be accomplished without material adverse effect on
10 the interests of the client;

11 . . .

12 (6) The representation will result in an unreasonable financial burden on
13 the lawyer or has been rendered unreasonably difficult by the client;
or

14 (7) Other good cause for withdrawal exists.

15 In the case, Debtors have failed substantially to fulfill various obligations to Movant as
16 specified in the agreement between those parties. Specifically, Debtors have refused to communicate
17 timely and effectively with Movant. Further, Movant and the Debtors have come to an impasse
18 regarding certain aspects of Movant's representation that Movant believes cannot be overcome.
19 Movant believes that because of the difference of opinion as how best to proceed in this case, he can
20 no longer effectively represent the Debtors. As a result an adversarial relationship has developed,
21 and Movant has sought withdrawal.

22 Movant believes that his withdrawal as counsel for Debtors will not adversely affect Debtors.
23 Movant has provided reasonable written warning to Debtors of his intention to withdraw because
24 of their failure to communicate and the disagreements between the parties. As a result, there is good
25 cause for Movant's withdrawal as counsel of record.

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1 WHEREFORE, it is respectfully requested that this Court enter its order permitting the
2 immediate withdrawal of The Law Offices of Alan R. Smith, as attorneys of record for the Debtors,
3 and that all further pleadings and correspondence with regard to this matter be forwarded to Debtors
4 at their last known address as follows:

5 AT Emerald, LLC
6 c/o Anthony & Wendi Thomas
7 7725 Peavine Peak Court
8 Reno, NV 89523

9 Anthony & Wendi Thomas
10 7725 Peavine Peak Court
11 Reno, NV 89523

12 **DATED** this 18th day of August, 2014.

13 LAW OFFICES OF ALAN R. SMITH

14 */s/ Alan R. Smith*

15 By _____
16 ALAN R. SMITH, ESQ.
17 Attorney for Debtor
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CERTIFICATE OF MAILING

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the Law Offices of Alan R. Smith, and that on this day I deposited for mailing at Reno, Nevada, and sent via email, a true and correct copy of the attached document addressed as follows:

AT Emerald, LLC
c/o Anthony & Wendi Thomas
7725 Peavine Peak Court
Reno, NV 89523
atemerald2@gmail.com
wendithomas6@gmail.com

Timothy A. Lukas, Esq.
Holland & Hart, LLP
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511
tlukas@hollandhart.com

Kevin A. Darby, Esq.
Darby Law Practice, Ltd.
4777 Caughlin Parkway
Reno, NV 89519
kevin@darbylawpractice.com

Stefanie T. Sharp, Esq.
Robison, Balaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503
ssharp@rbsllaw.com

Wayne A. Silver, Esq.
333 W. El Camino Real, Ste. 310
Sunnyvale, CA 94087
w_silver@sbcglobal.net

Amy N. Tirre, Esq.
Law Offices of Amy N. Tirre, APC
3715 Lakeside Dr., Ste. A
Reno, NV 89509
amy@amytirrelaw.com

Joseph G. Went, Esq.
Holland & Hart, LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
jgwent@hollandhart.com

Dated: August 18, 2014

/s/ Debra L. Goss
By: _____
Debra L. Goss, Employee